

IN THE MATTER OF THE PETITION FOR	)	
ALTERNATIVE WRIT OF PROHIBITION	)	
CHALLENGING THE IDAHO LEGISLATIVE	)	
REAPPORTIONMENT PLAN OF 2002 (PLAN	)	
L 97) AND FOR DECLARATORY AND	)	
INJUNCTIVE RELIEF.	)	
-----	)	O R D E R
BONNEVILLE COUNTY, a political	)	
subdivision of the State of Idaho, by the	)	NO. 30236
BOARD OF BONNEVILLE COUNTY	)	Ref. No. 03S-342
COMMISSIONERS, ROGER CHRISTENSEN,	)	
DAVE RADFORD, and LEE STAKER, et al.,	)	
	)	
Petitioners,	)	
	)	
v.	)	
	)	
BEN T. YSURSA, Secretary of State, State of	)	
Idaho,	)	
	)	
Respondent.	)	

After reviewing the State’s response to the Petitions for Alternative Writ of Prohibition challenging the Idaho Legislative Reapportionment Plan of 2002 (Plan L 97) and for Declaratory and Injunctive Relief, the Court has agreed that factual issues have been raised that require the development of a record and, therefore, it is appropriate to appoint a Special Master to hear the evidence and to make proposed Findings of Fact for this Court to review. The Court has decided to refer this matter to Senior Judge George D. Carey to develop a record and make proposed Findings of Fact for submission to this Court. Therefore, good cause appearing,

IT IS HEREBY ORDERED that Senior Judge George D. Carey be, and hereby is, APPOINTED as a Special Master to hear the evidence and to make proposed Findings of Fact for this Court to review with regard to the pending Petitions for Alternative Writ of Prohibition challenging the Idaho Legislative Reapportionment Plan of 2002 (Plan L 97) and for Declaratory and Injunctive Relief and the response thereto.

IT IS FURTHER ORDERED that as Special Master, Senior Judge George D. Carey, shall have the following powers:

1. To receive and report evidence;
2. To fix the time and place for beginning and closing the hearings and for the filing of the Master's Report;
3. To exercise the power to regulate all proceedings and every hearing and to do all acts and take all measures necessary or proper for the efficient performance of his duties under this Order;
4. To take evidence and all testimony of all matters pertaining to his duties and to this Order;
5. To rule upon the admissibility of evidence as provided by the rules of this Court; and,
6. To make a record of the evidence offered and admitted or excluded in the same manner and subject to the same limitations as provided in Rule 103 of the Idaho Rules of Evidence.

IT IS FURTHER ORDERED that Senior Judge Carey shall submit a report to this Court of his proposed Findings of Fact with regard to the issues presented by the parties, promptly after the conclusion of any hearings and the consideration of evidence presented.

DATED this 8<sup>th</sup> day of March 2004.

By Order of the Supreme Court

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Linda Copple Trout, Chief Justice

ATTEST:

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Frederick C. Lyon, Clerk

cc: Counsel of Record